IN THE HIGH COURT OF JUDICATURE OF ANDHR APRADESH
AT HYDERABAD

PRESENT:
THE HON'BLE SRI JUSTICE P. SWAROOP EDDY'
Dated:7-7-2006

W.P.No. 24282 of 2000

Between:
R.Jayamma and others

...Petitioners

and

The Govt. of A.P., represented by its
Secretary to Government, Education Department,
Hyderabad and others

...Respondents

PSR, J.

W.P.No. 24282 of 2000

O r d e r:

This writ petition is filed stating that the petitioners are working in fifth respondent-school. There were certain developments with regard to the school where the petitioners are working and certain other similarly situated schools. As per the proceedings of the fourth respondent issued vide Rc.No.1307/B3/93 dated:18-02-1999, the Head-Mistress was authorized to prepare and submit the salary bills on behalf of teachers through the Deputy Educational Officer and it was being run like that. While the things stood thus, one D.Satyanarayana Murthy, who was appointed as Grade II Telugu

Pandit in an unaided post filed W.P.No. 8370 of 1991 for payment of salary for the period he worked and that writ petition was disposed of on 20-06-1996 directing the present third respondent to consider and pass appropriate orders within two months. Thereafter, the third respondent apparently issued proceedings on 29—5—1997 directing the management to pay salary to the said Satyanarayana Murthy and when the management failed to pay salary, Satyanarayana Murthy filed another W.P.No. 35852 of 1998 and in W.P.M.P.No. 44202 of 1998 and, on 26-2-1999, this Court passed interim orders directing the respondents to withdraw the recognition of the fifth respondent school herein. Later Satyanarayana Murthy filed C.C.No.373 of 2000 to punish the respondents for their willful disobedience of the interim orders in W.P.M.P.No. 44202 of 1998. Thereafter the third respondent issued proceedings Rc.No.586/A3/97 dated:30-6-2000 withdrawing the recognition granted to the institution. After that one Premchandra Das, a member and acting Chairman of the School Committee filed W.P.No. 18694 of 2000 questioning the proceedings of the third respondent dated:30-6-2000 and vide orders in W.P.M.P.No.23738 of 2000, dated:28-9-2000 this Court suspended the said proceedings of the third respondent for a period of six weeks and that was later extended.

2) The petitioners are still working in fifth respondent-school and they are not transferred or shifted to any other school in aided posts; but the respondents have stopped payment of salaries to them from June, 2000 onwards without any valid or justifiable cause. As the order of widrawal of recognition of the fifth respondent-school is suspended by this Court, there is no bar to pay salary to the petitioners by releasing necessary grants. But, it is represented that in spite of several representations, the authorities concerned did not

take any action. The petitioners, thus, finally prayed for release of their salaries along with annual increments.

3) The writ petition was admitted on 11—12—2000 and much later, on 8—8—2002, interim order was passed by this court observing:

> "*Despite the official respondents having been sensitized to the plight of the petitioners since 11—12—2000 when the writ petition was admitted and Rule Nisi issued, the respondents have not seen fit for over ½ years to respond to the grievance even after its instituted before this Court.*
>
> *In the circumstances, irresistibly an inference has to be drawn that the respondents have no justification whatsoever for denying salary to the petitioner-teachers. Accordingly, and in the circumstances, the respondents are directed to release and pay the petitioners salary from June, 2000, upto date, together with all the arrears, within a period of two weeks from the date of receipt of a copy of this order. The respondents shall also draw and pay salary to the petitioners month to month in future too.*
>
> *The W.P.M.P. is ordered accordingly".*

4) The learned counsel for the petitioners submits that in pursuance of the above interim orders, the petitioners have been paid their salaries regularly.

5) No counter is so far filed on behalf of the Government.

6) Under these circumstances, where, in pursuance of the orders of this Court in W.P.M.P.No.31016 of 2000, the petitioners are being paid their salaries and the order withdrawing recognition of the fifth respondent-school is suspended in another proceedings; it has to be held that the petitioners are entitled for their salaries. As no counter is filed on behalf of the Government, it is not possible to

arrive at any different conclusion.

7) Under these circumstances, the writ petition is allowed directing the respondents to pay salaries to the petitioners, as long as the recognition of the fifth respondent-school continues to be in force. No costs.

P. SWAROOP REDDY, J.

Dated:07-07—2006
BVS